

DEC 09 2005

# FAX TRANSMITTAL COVER SHEET

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**PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:**

**NAME:** MAIL STOP AMENDMENT

**FIRM:** U.S. PATENT & TRADEMARK OFFICE

**CITY:** ALEXANDRIA, VIRGINIA

**FAX NO:** 571-273-8300

**REMARKS:** Serial No. 10/676,858, filed October 1, 2003  
The following is attached hereto: Transmittal Form (1 p.); Response to Notice of Non-Compliant Amendment (1 p.); Updated and resubmitted Response to Office Action Dated July 27, 2005 (13 p.)

Total Number of Pages (Including This One): 16

FROM: Collin A. Rose, Direct Dial No. 713-632-1683

DATE: December 9, 2005 ATTORNEY DOCKET NO. 1391-28401

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DEC 09 2005

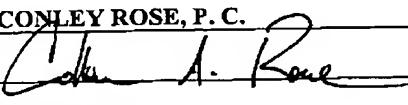
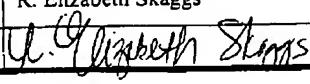
PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/676,858
		Filing Date	October 1, 2003
		First Named Inventor	Jay M. Eppink
		Art Unit	3672
		Examiner Name	Frank Tsay
Total Number of Pages in This Submission	15	Attorney Docket Number	1391-28401

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> )
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) ( <i>please identify below</i> ):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<ul style="list-style-type: none"> <li>• <i>Response to Notice of Non-Compliant Amendment (37 CFR 1.121)</i></li> </ul>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm	CONLEY ROSE, P. C.	
Signature		
Printed name	Collin A. Rose	
Date	December 9, 2005	Reg. No. 47,036
CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Typed or Printed Name	R. Elizabeth Skaggs	
Signature		Date
	December 9, 2005	

DEC 09 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Jay M. Eppink	§	GROUP ART UNIT: 3672
	Brent E. Phillips	§	
	James W. Estep	§	
SERIAL NO.:	10/676,858	§	
FILED:	October 1, 2003	§	EXAMINER: Frank S. Tsay
FOR:	Method and Apparatus for Removing Cuttings from a Deviated Wellbore	§	

**RESPONSE TO NOTICE OF  
NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

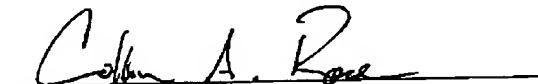
Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Date: December 9, 2005

Sir:

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated December 2, 2005, enclosed is a revised "Response to Office Action Dated July 27, 2005" document originally filed on October 25, 2005.

Respectfully submitted,



Collin A. Rose  
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ATTORNEY FOR APPLICANTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/676,858 Confirmation No. 7643  
Applicants : Jay M. Eppink,  
Brent E. Phillips,  
James W. Estep  
Filed : October 1, 2003  
TC/A.U. : 3672  
Examiner : Frank S. Tsay  
  
Title : Method and Apparatus for Removing Cuttings from a Deviated Wellbore  
Docket No. : 1391-28401  
Client Ref. No.: 2002-IP-005320  
Customer No. : 23505  
  
Date : December 9, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO OFFICE ACTION DATED JULY 27, 2005**

Sir:

Please amend the above-identified application as follows and consider the following remarks in response to the Office action dated July 27, 2005.

**Amendments to the Claims** are reflected in the listing of the claims that begins on page 2 of this paper.

**Remarks** begin on page 10 of this paper.

161473.01/1391.28401